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C O N F I D E N T I A L THE HAGUE 000071

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STATE FOR ISN/CB, VCI/CCA, L/NPV, IO/MPR,
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SUBJECT: CWC: WRAP-UP FOR THE WEEK OF JANUARY 26- 30, 2009

REF: THE HAGUE 59

Classified By: Janet E. Beik for reasons 1.4 (B) and (D)

This is CWC-03-09

SUMMARY

¶1. (SBU) Speculation on the process to select a new Director General (DG) for the Organization for the Prohibition of Chemical Weapons (OPCW) is beginning in earnest, with a formal agenda item now on the calendar for the next Executive Council (EC- 55) in February. The Western European and Others group (WEOG) took up this issue among others at its weekly meeting, as did Russian and Algerian delegates in private conversations with Delreps. The Algerian confirmed that their current Ambassador to the OPCW, Benchaa Dani, will be their candidate. As facilitator for Article VII, he also outlined his plans for the next meeting (now scheduled for February 9).

¶2. (SBU) U.S. Delreps and the UK delegate met with members of the Technical Secretariat on January 29 to discuss Iraq's accession to the Convention and the rollout of its initial declaration.

DIRECTOR GENERAL SEARCH

¶3. (C) On January 27, Russian deputy Konstantin Gavrilov informed Delreps that he has heard South Africa may also have a potential candidate for next Director General (DG) of the OPCW. According to Gavrilov, Abdul Minty, South Africa's candidate for IAEA DG, has indicated a willingness to consider pulling out of the IAEA race if he is guaranteed the OPCW position instead. Gavrilov noted the connection with the fact that current OPCW DG Rogelio Pfirter is still viewed by many as a possible IAEA candidate if neither of the current

two candidates receives enough support in the March election.

14. (C) Gavrilov also opined that Deputy Director General John Freeman appears to be actively campaigning for the top job, and that Germany and France likely have candidates as well. An EU delegate later told Delreps that the EU prefers to have only one candidate for such international positions, but that they cannot always agree.

15. (C) On January 28, Algerian delegate Said Moussi confirmed to Delrep that his government had decided to nominate Ambassador Bencha Dani, their current ambassador to the Netherlands and Permanent Representatives to OPCW, as a candidate for Director General. Moussi also responded to the point Delreps made in a previous conversation (reftel) concerning the Prepcom "gentlemen's agreement" on rotation between developing and developed countries; he said that his government did not view that agreement to pertain to the current DG selection process but only to the rotation from the Prepcom leadership to the selection of the first DG.

16. (C) Del comment: There will be little support for Dani's candidacy from a large number of delegations that have observed his failure to effectively lead either the Review Conference Committee of the Whole in April or the industry portfolio as Vice Chair of the Executive Council for the past two years. However, as Moussi's statement indicates, the Prepcom rotational agreement for OPCW may not gain much support in the Non-aligned Movement as the political games over this election begin. End Comment.

WEOG

17. (SBU) On January 27, the Western Europe and Others Group (WEOG) held its weekly meeting with the agenda primarily focused on preparations for Executive Council (EC)-55. German Ambassador Werner Burkart briefed the WEOG on the previous week's EC Bureau meeting, characterizing it as "surprisingly peaceful." At that meeting, EC Chair Amb. Oksana Tomova (Slovakia) laid out her proposed time-line for initiating the search for a new DG and said that she would consult EC-55 on her plans. DG Pfirter agreed that it would be best to start the process early in order for the EC to reach agreement on a recommended candidate by the October session. Burkart also reported that Iranian delegate Mohsen Naziri Asl had informed that Bureau of his departure from The Hague by early February.

18. (SBU) Taking up the question of Iranian representation on the EC Bureau, WEOG Facilitator Ruth Surkau (Germany) asked if WEOG should respond to the letter sent by Pakistani Ambassador Arif Ayub on behalf of the Asian Group confirming Iran's position that it would remain the Group's Bureau representative. Delegations agreed with Delrep's suggestion that it would be better to work toward future enforcement of the rule of procedure and insure an accredited representative is elected in May to take over the Asian Group's place on the Bureau. Amb. Pieter de Savornin-Lohman (Netherlands) reported that no new Iranian ambassador is expected any time soon.

19. (C) Turning to preparations for EC-55, Surkau asked all interested candidates to represent WEOG on the EC Bureau starting in May to inform her by January 23. Amb. Savornin-Lohman indicated the

Netherlands is interested in taking over from Germany. (Del Comment: Lohman's interest in the WEOG vice chair came as something of a surprise after German Ambassador Burkhart had informed the group the week before that he was willing to continue in the position. We expect the two will sort it out among themselves, but if not, Del would recommend that the U.S. support Burkhart, who has done a good job as Vice Chair for destruction issues. Lohman is new to his position and his leadership abilities are not yet evident. End Comment)

¶10. (SBU) Surkau next opened discussion on the Advisory Body on Administrative and Financial Matters (ABAF) by noting that seven candidates are still pending appointment since EC-54. She reported that resumes for candidates (as requested by the U.S. and others at EC-54) had not yet been received by the TS. Delrep and the Netherlands delegate both noted concern at attempts to politicize ABAF and stressed the need to insure it remains a technical body with real experts who can advise the TS appropriately. The Australian delegate said that treatment of all ABAF candidates Qdelegate said that treatment of all ABAF candidates should be consistent -- whether they are new or replacement nominees -- and that ABAF positions should not be "hereditary." Amb. Burkart noted that the German ABAF member will be re-nominated due to his term's expiration, increasing the number of pending candidates.

¶11. (SBU) On the DG selection process, Surkau recounted EC Chair Tomova's intention to issue a letter calling for nominations in advance of the April EC session. The French delegate said that the Legal Advisor should provide a legal opinion on the process but that Tomova should take the initiative without needing to seek permission from the EC. Delrep agreed that the DG selection process is within the EC Chair's purview and that the EC should not need to agree to a decision on procedure. Delrep also gave an overview of the "gentleman's agreement" on rotating the DG position between developed and developing countries. Other delegations were interested in the written records of the "gentlemen's agreement" and the Legal Advisor's view of such an agreement. Germany stated that WEOG should support the "gentlemen's agreement" as long as possible, but that if the question of a regional group rotation is raised, it would be WEOG's turn, as the current DG is from GRULAC (Argentina).

¶12. (U) WEOG approved by acclamation Belgian Ambassador Yves Haesendonck -- who has previous experience negotiating host country agreements -- to take over the U.S. seat on the Host Country Committee.

¶13. (SBU) Surkau announced that Ralf Trapp will facilitate the upcoming meeting of government experts to discuss the Scientific Advisory Board's (SAB) report for the Second Review Conference. Sweden, France, Italy, Canada, Germany and the U.S. confirmed they would send experts; New Zealand indicated that it might. Switzerland noted that its expert would be participating as a member of the SAB rather than representing the Swiss government.

¶14. (SBU) Under Any Other Business, the French delegate shared a prepared position from Paris on white phosphorus in response to Iran's request that the DG investigate Israel's reported use of white phosphorus in Gaza. The Australian delegate and Amb. Burkart confirmed that the DG -- as is his

standard practice -- had written to Israel asking for them to respond to the reports. Amb. Haesendonck reported that an International Criminal Court (ICC) prosecutor is investigating the possibility of white phosphorus use falling under the Rome Statute.

¶115. (SBU) Surkau reported that Colombia is the new Latin America and Caribbean Group (GRULAC) coordinator and that Estonia is the new Eastern European Group coordinator. She also noted that nominations for a new Article X facilitator are due February 6 and that Polish delegate Maciej Karasinski is interested in taking up the facilitation.

Article VII

¶116. (SBU) Delreps learned from Article VII Facilitator Said Moussi (Algeria) that he plans to convene a consultation on 9 February, likely the only Article VII consultation prior to EC-55. The agenda for the meeting will include a presentation by both the OPCW Legal Advisor and Director of ICA on the organization's current and future activities surrounding Article VII implementation. Moussi said he would then open the floor to general Qsaid he would then open the floor to general debate. Moussi also confirmed rumors that he had been asked to leave the Article VII facilitation and move over to the recently vacated Article XI slot. While flattered he had been approached by some delegations on this issue, Moussi indicated he planned to remain at the helm of Article VII, not least because he was set to transfer from The Hague this summer and did not think it fair to handle a new portfolio with such little time remaining in his tour.

IRAQI ACCESSION

¶117. (C) On January 29, Delreps and UK Rep Karen Wolstenholme met with OPCW Technical Secretariat officials Horst Reeps (Director of Verification), Ichiro Akiyama (Director, Inspectorate), Dominique Anelli (Head, Chemical Demilitarization Branch), Julian Tangaere (Head, Operations and Planning Branch), and Renato Carvalho (Head, Inspectorate Management Branch), to discuss Iraq's accession and initial declaration. Reeps said that the TS has not heard anything from Baghdad since early last year, and that the TS has no sense as to the possible timing of Iraq's initial declaration. Surprisingly, the Verification Division has not made an effort to reach out to the Iraqi Embassy in The Hague to begin discussing the declaration and other obligations Iraq assumes as a member state.

¶118. (C) On verification of Iraq's initial declaration (and eventually of destruction of recovered or existing chemical weapons), the TS is not in a position to send inspection teams until Iraq can guarantee their safety and security. However, Akiyama noted that planning for inspections is going ahead, and explained his idea that inspection teams should not be headed by former UNSCOM inspectors (in order to clearly distinguish between previous inspection regimes and the OPCW). The resident expertise will, of course, still be put to use on the inspection teams. The TS preference is for Iraq to clearly state its inability to guarantee the safety of OPCW inspection teams, to avoid the impression that the TS is unwilling to fulfill its verification

mandate.

¶19. (C) Reeps also still intends to provide some information on Iraq's accession and declaration at the first session of the destruction informals following the submission of the declaration (likely EC 56 in April). Among future activities, he will likely refer to the need for Iraq to submit destruction plans. Political difficulties of establishing destruction deadlines aside, the TS concern on this issue is the same as with the initial declaration; the TS has a clear mandate to provide continual monitoring of destruction. The one exception is the recovery of chemical weapons, which the TS plans to handle like any other emergency recovery/destruction operation. In lieu of the presence of an inspection team, the TS will accept clear documentation of the recovery and destruction, but always reserves the right to physically verify destruction operations.

¶20. (C) Reeps said the TS has received very few questions, citing only the German and Russian delegations, both of whom asked whether Iraq would be coming in as a "possessor state." During a Qbe coming in as a "possessor state." During a discussion of Iraq's ability to handle the probing and/or political questions likely to arise, Reeps noted that the Iraqi officials best able to field questions would be those who have attended the series of preparatory workshops. After the meeting, Reeps indicated his expectation that the U.S. and UK would submit information on recovered rounds shortly after Iraq submitted its declaration.

¶21. (U) BEIK SENDS
GALLAGHER